IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH

FAO No.89 of 2007
Date of Decision: 12.1.2007

Oriental Insurance Co. Ltd.

Appellant

versus

Smt.Parvinder Kaur and others

Respondents

CORAM:- **HON'BLE MR. JUSTICE JASBIR SINGH**

HON'BLE MR. JUSTICE BALDEV SINGH

Present: Shri V.K.Kapur, Advocate for the appellant

Jasbir Singh, J. (Oral)

This appeal has been filed against award dated 31.7.2006, vide which, Motor Accident Claims Tribunal, Chandigarh (in short, the Tribunal) granted compensation to the extent of Rs.16,88,000/-, on account of death of Gurinder Singh, husband of respondent No.1, father of respondent Nos.2 and 3 and son of respondent No.4. It is apparent from the records that the appellant Insurance Company did not move any application under Section 170 of the Motor Vehicles Act, 1988 (in short, the Act), to contest the claim application. In view of this, the company is entitled to raise only those grounds, to lay challenge to the award, which are available to it under the provisions of Section 149 of the Act. Counsel for the appellant states that the compensation awarded is on the higher side. We feel that the company is not entitled to raise that objection and furthermore, in view age of the deceased i.e. 42 years, who was working as a Senior Assistant in State Bank of India, his carry home salary was Rs.16,000/- per month, the compensation awarded is perfectly justified. It has also come on record that

he was sole bread winner for his wife, two minor children and the mother. No case is made out for interference.

Dismissed.

(Jasbir Singh)
Judge

January 12, 2007
gk

(Baldev Singh)
Judge